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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

JOSEPH EMILE SISSLER

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

APPENDIX TO PETITION FOR WRIT OF CERTIORARI VOLUME II

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APPENDIX L

APPENDIX L

Pertinent portions of the testimony of Dan Zolnai from hearing held May 24, 1990 before the Hon. Benjamin F. Gibson. pp. 14-16:

"Q. Okay. Was there a briefing prior to the execution of the search warrant?

A. There was.

Q. Okay. And were all the officers at least who were available that were going to participate in the execution of the search warrant, did they attend that briefing?

A. That is correct.

Q. Who conducted the briefing?

A. I do not recall.

Q. Would it -- could it have been Lieutenant Whitford?

A. Yes.

Q. Do you think it was or you just don't know?

A. I would say that it was either Lieutenant Whitford in combination with Denny Langkos.

Q. Would that be because Whitford was in charge of this investigation from Metro, and Langkos was in charge of the investigation from the FBI?

A. That is correct.
Q. Okay. What was discussed at the briefing?

A. The diagram of the house, a brief description as to the circumstances involving this particular case, assignments to the Tri-County Metro officers, whether it be for search teams, things of that nature, also exterior things or positions for Tri-County Metro officers prior to the search, instructions to the entry team. And I think that pretty much would cover it.

Q. Is that where you received your assignment?

A. That is correct.

Q. And you were assigned not only to collect evidence, but you were also assigned to make initial entry with a ram; is that correct?

A. That is correct.

Q. And that would have been with Officer Forrest?

A. Correct.

Q. Was there any discussion or briefing concerning the search warrant itself?

A. I don't recall.

Q. Do you recall if you were told that this was a federal search warrant as opposed to a state search warrant?

A. That I don't recall either.

Q. Okay. Do you recall if anybody read the search warrant to you?

A. Again I don't have recollection on that.

Q. Okay. Is it customary that somebody would read the search warrant?

A. In most circumstances, they would indicate what could be collected and the place to be searched.

Q. But you don't recall if that happened in this case?

A. I don't have direct recollection on that.

Q. Okay. Did -- being in charge of collection, did somebody provide to you a copy of the search warrant so that you would be able to refer to it during the course of the search?

A. Prior to the search, no.

Q. Okay. Ultimately, after the search, you got a copy of the search warrant to attach to your report, is that correct?

A. That is correct.

Q. Okay. I may have asked this, did you even know at the time of the search warrant whether it was a federal search warrant or a state search warrant?

A. I did at the point of entry.

Q. And how did you learn that?

A. When Special Agent Langkos knocked on the door and said, "FBI, federal search warrant."

Q. Okay. That was a dead give away; is that right?
A. Yes."

* * *

The following is testimony from Stephen Early

from the hearing held before the Hon. Benjamin F. Gibson on May 24, 1990, p. 130:

"Q. Okay. Did anybody read the search warrant to you?

A. No one read the search warrant to me. It may have been read. I don't recall if it was or not.

Q. Did you read the search warrant?

A. I did not, no, initially.

Q. Did anybody tell you what you could take or not take under the search warrant?

A. We had conversations initially on as far as a computer inside the house.

Q. Where did that conversation take place?

A. At the house.

Q. But prior to going into the house, did you have any conversations as to what you could or could not take under the search warrant?

A. There may have been, I don't recall."

* * *

The following is pertinent testimony from Officer Ed Forrest from the hearing held on May 24, 1990 before the Hon. Benjamin F. Gibson, pp. 159-160:

"Q. Okay. The Baldori search warrant would be the first federal search warrant?

A. Yes, sir.

Q. When you were assigned the duty of collection, did anybody give you any instructions or guidance with respect to any possible differences between a state and federal search warrant?

A. I wasn't aware that there was a difference between a state and federal search warrant.

Q. So the answer is nobody -- Whitford or Benston or Langkos or nobody else gave you any specific instructions?

A. I wasn't aware that there was a difference between a state and a federal search warrant.

Q. I understand. And nobody told you that there was. Right?

A. No, sir.

Q. I may be wrong. Maybe there isn't any difference. I'm not trying to get you to state what the law is, only that nobody told you that there was any difference?

A. Yes, sir.
Q. Did anybody provide you a copy of the search warrant prior to your execution of the search warrant?

A. No, sir.

Q. Or during the execution of the search warrant?

A. No, sir.

Q. Did anybody give you instructions on how to distinguish between proceeds of marijuana transactions in the form of U.S. currency and any other currency that might be found?

A. That's usually left up to the forfeiture detectives that are there.

Q. And would you agree that it was Detective Early's decision to seize the currency in the house?

A. Either Detective Early or Detective Thelan's."

APPENDIX M

APPENDIX M

Pertinent portions of testimony from March 22, 1992 and April 1, 1991 from Suppression Hrg.

The following is pertinent testimony of Stephen Early, Tr., p. 14:

"Q. Prior to going into the Baldori premises, did you have any information sufficient for your experience to get a search warrant?

A. For --?

Q. For forfeiture items, seizure of records?

A. You know, I don't know if the information I had would be enough to get a search warrant."

* * *

The following is pertinent testimony of Stephen Early, Tr., p. 28:

"Q. Officer, where is that documentation?

A. Well, it's not an inventory. It's a net worth analysis that was started prior to the IRS getting the documents.

Q. Okay. When you say 'a net worth analysis', you could have rummaged through the boxes, picked and chosen selectively what documents you wanted. Is that right?

A. No, I went through all the documents."

* * *

The following is pertinent testimony of

Stephen Early, Tr., p. 50:

"A. Most of the items I seized I needed for a net worth analysis to prove the -- that items were being purchased with drug money, assets of Robert Baldori."

* * *

The following is pertinent testimony from

Stephen Early, Tr., pp. 65-66:

"Q. What you're telling me then if I understand you correctly is that at the time you entered the Baldori premises, you already had probable cause to search and seize records of marijuana transactions?

A. Before? No.

Q. Yes.

A. No."

* * *

The following is pertinent testimony of

Stephen Early, p. 74:

"Q. Would it be a fair staement that you were not -- unless you can actually remember, you would not be be to look at any particulr document and be able to tell who took it?

A. No, that's not true.

Q. How can you tell then?

A. Once in the house, I found one document which showed that he had purchased some

property out on Ox Road in Perry. And I started looking for more documents in regards to that.

Q. I'm not sure you understand my question.

A. You're saying that I can't identify any document.

Q. No, no, no.

A. Okay. I'm sorry.

Q. By looking at a document or by Judge Gibson looking at a document, there is no way to look at that document and determine who took it.

A. Unless I specifically look at the documents and I remember the ones I've taken, yes.

Q. Okay. Okay. There is no documentation as to who took any particular document?

A. As best as I can recall, no.

* * *

The following is pertinent testimony of

Stephen Early, Tr., p. 81:

"Q. Would it be fair to say that while you were at the Baldori premises that you had no evidence that records of Lansing Sound Studios were records of assets purchased with the proceeds of marijuana transactions?

A. I had no information that marijuana money had gone into Lansing Sound Studios at that point.

Q. Okay. So you took it because you wanted

records to build your net worth. Right?

A. To show that he was trafficking in marijuana, yes."

* * *

The following is pertinent testimony from

Stephen Early, p. 145.:

"Q. Detective Early, did you feel that the search warrant was limited to 1989?

A. No."

* * *

(pg. 163-164):

"Q. Okay. You indicated you took a fax machine, and you took that as an asset?

A. Yes.

Q. You would agree, wouldn't you, that assets at least under the search warrant are not authorized?

A. Yes.

Q. I think Mr. Bruha asked you about -- you agreed that the search warrant was not limited to 1989?

A. Yes.

Q. What were the -- what was your understanding? What were the limits of that search warrants?

A. I don't know. If there was marijuana in there from 1969, we certainly could have seized 1969 marijuana.

Q. Let me clarify. Not marijuana. But in terms of proceeds of marijuana sales, records of marijuana transaction, records of assets, that type of thing.

A. Well, if there was definitely records of marijuana transactions and -- how long do you know they have been there if they aren't dated. They could have been there ten years. Under the search warrant, you certainly seize them.

Q. Even if they are dated?

A. I don't know what the answer would be."

* * *

The following is pertinent testimony of

Stephen Early, p. 170-171:

"Q. So you would agree that there were time limits within the search warrant; although, you don't know what those time limits were?

A. Well, the time limits were there only because I didn't know exactly what the dates were. And because I didn't know the dates, I didn't want to seize the items."

* * *

The following is pertinent testimony of

Patrick Healey, p. 199:

"Q. You would agree, would you not, that you had no probable cause to get your own search warrant to go in and search for records or documents?

A. Prior to the day Denny Langkos briefed me on what was going on, I probably didn't have

any probable cause.

Q. You probably didn't or you didn't.

A. I didn't have.

* * *

The following is pertinent testimony of

Patrick Healey, p. 222:

"Q. Is there anything from what's written on the boards which lists the items that could be seized which indicates to you that you could only seize items back to a certain date?

A. No.

Q. It's pretty general. Right?

A. Um-hum.

Q. You have to say yes or no.

A. I'm sorry. Yes.

Q. So when you say that you decided only to go back to the mid 1980's, that's something that you determined in your own mind, not by anything required of you by the search warrant?

A. Yes."

* * *

(p. 226)

"Q. Okay. But that could be your own discretion and not something that you could look at the search warrant, and the search warrant would tell you "I shouldn't take that." Do you understand what I mean?

A. Yes.

Q. In other words, you couldn't use the search warrant as a guide to look at the document and look at the search warrant and by looking at the search warrant determine, "Yep, I should" or "I should not take it"?

A. That's correct."

* * *

The following is pertinent testimony of

Patrick Healey, Tr., p. 257:

"Q. Can you explain to me how they relate to records of assets purchased with proceeds and so on?

A. Probably what it would do is indicate how much he -- well, first of all, there are several different reasons that you might want to take a Consumers or another utility bill.

Q. Okay. Name a couple.

A. It may be to indicate another address, another business.

Q. Right.

A. Another entity. Or find out how much he's actually paying.

Q. Net worth. It goes to net worth?

A. Well, like I stated before, most records do, so other --

Q. Okay. But you would agree there is nothing in the search warrant that allows you take [sic] records pertaining to net worth?

A. Well, I already stated that we weren't looking for records for net worth."

* * *

The following is pertinent testimony of

Charles McCord, Tr., p. 271:

"Q. You do agree that the Baldori operation was governed by this policy?

A. Yes."

* * *

McCord, p. 274:

"Q. You were the sub-unit commander?

A. Yes sir."

* * *

Q. And isn't it true that under 5(B), it says the sub-unit commander shall present the case to prosecuting attorney responsible for review and you didn't do that?

A. I did not do that.

Q. Under VI(A)(1), it indicates:

> 'Only experienced officers from departmental work units who are familiar with this policy will be assigned as the seller in a reverse drug transaction.'

That policy was violated, was it not?

A. That was not followed. That's correct."

* * *

McCord, p. 275:

"Q. Under VI(A)(3):
'Every attempt should be made to eliminate confidential informants from the actual reverse drug transaction exchange.'

That was not done; is that correct?

A. That's correct."

* * *

McCord, p. 281:

"Q. But the seller has to be an undercover officer, and your undercover officer, a departmental work unit member under (B)?

A. It should be, yes."

* * *

McCord, p. 282:

"Q. I guess as far as to your personal knowledge, were all other participating agencies asked if they would agree to follow this reverse drug transaction policy? In other words, did you ask Langkos, "Look. Here is the policy we've discussed. Now you know what it is. Do you agree to follow it?

A. I don't recall asking him that."

* * *

McCord, p. 283:

"Q. -- a copy of Exhibit X?
You would agree that Metro is bound by the "Guidelines for Operation of the Tri-County Metro Narcotic Squad?

A. Yes."

* * *

McCord, p. 287:

"Q. ... If you're using a confidential informant, these policies will apply?

A. Yes."

* * *

McCord, p. 292:

"Q. Okay. At some point in time, it became clear that officers of Metro were displaying photographs and slides of Kelly Boyle?

A. I believe that's accurate, yes.

Q. There was a slide show. Right?

A. There was at least some allegation of a slide show. Again I can't confirm that one way or the other for you.

Q. You're aware that Diebolt took slides from Metro and showed them to Doerr,D-O-E-R-R, outside of Metro?

A. At least through conversation, I am aware.

Q. Doerr told Patrick, Patrick told you, and that's how you got the information?

A. Actually Doerr told me.

Q. Doerr told you. Okay. What action, if any, did you take as a result of -- you would agree that that's a violation of this policy, 37 and 37? Right?

A. Yes."

* * *

The following is pertinent testimony of Lt. McCord, pp. 310-311:

Q. At a point in time after the execution of the search warrant, Diebolt showed you some photographs that he had taken from a search warrant scene and not listed as evidence.

A. I only recall that it was one photograph.

Q. Okay.

A. And it was -- it was at a point in time when he would not have had the opportunity to list them as evidence. We were just leaving the scene.

Q. You told him to destroy it. Isn't that true?

A. My recollection is that I told him that having the picture was inappropriate and that kind of conduct wasn't something I could tolerate. And I do not recall what I told him to do with the photograph.

Q. You didn't have it tagged in?

A. No. I think it would be inaccurate that I told him to have it tagged in. That's wrong. I know I didn't do that.

Q. The best you can recall is you left it to his own discretion about what to do with the photograph?

A. That's the most accurate way to describe it.

Q. By looking at the photograph, you knew the photograph had no evidentiary value?

A. That was the assumption I came to, yes.

Q. And you reprimanded him but took no other action?

A. That's correct."

* * *

McCord, Tr., p. 334:

"Q. None of the documents that were taken from the Baldori premises wre either marked or inventoried prior to Judge Houk ordering that they be inventoried; isn't that correct?

A. I'm sorry. Repeat the question for me.

Q. None of the papers, the documents that were seized from Baldori's premises, were ever marked or cataloged or inventoried until Judge Houk a year later ordered that they be inventoried.

A. I know that they weren't inventoried to the degree of identifying each and every piece of paper. That part is correct."

* * *

The following is pertinent testimony of Dennis

Langkos, Tr., p. 344:

"Q. And it would be fair to say that in putting together this search warrant, you were aware that the search warrant itself gave you no time limitations that you could look at the search warrant and say, 'I can't go beyond this date?'

A. I don't recall any discussion like that.

Q. Okay. You would agree that by looking at the terms of this search warrant, that there are no time limitations to give you guidance s to what you can seize and what you can't?

A. On the face -- you know, I think the search warrant speaks for itself. You know --

Q. I appreciate your -- When you -- You're an officer who executes search warrants?

A. That is correct.

Q. And in executing a search warrant, you have to look at the document itself for some guidance as to what you can seize and what you can't. Right?

A. Correct.

Q. And by looking at this document, you cannot tell what time limitations, if any, there are as to what you can seize or what you can't. Isn't that true?

A. That's true."

* * *

(Langkos, pp. 363-366)

"Q. You did not go to Grand Rapids on December 12th with Whitford and Early to get an affidavit from James Joseph?

A. Say that again.

Q. You did not go with Whitford and Early to Grand Rapids to visit James Joseph to get an affidavit?

A. I don't know. Either way, I didn't know.

Q. And on December 13th, you didn't go.

Right?

A. I don't know. I've been told by hearsay that there were two occasions that -- I know Lieutenant Whitford went.

Q. You didn't -- you weren't there in Grand Rapids with James Joseph?

A. No.

Q. And in the evening or sometime on December 13th, Whitford called you and said, "Denny, Joseph told me that he gave a sworn statement to Fox and Shafer that you had knowledge of these photographs and slides, and you had knowledge of these photographs and slides within days after the execution of the search warrant."

A. No.

Q. You're saying Whitford didn't call you and tell you that?

A. No.

Q. Did Whitford call and tell you and discuss with you his conversation with Joseph on December 13th concerning photographs and slides?

A. No. He told me right to my face.

Q. Boy, I'm sorry I misstated that.

So Whitford met with you and told you of his conversation with Joseph?

A. And he also told me that you and Mark Fox hoped to --

Q. I'm -- excuse me. I'm asking the questions, Officer.

THE COURT: Just a moment. Just a moment. Put a question to him, and then we'll get an answer.

MR. SHAFER: Thank you.

Q. It's true that he told you about his conversation with James Joseph, isn't it?

A. That's correct.

Q. And you told him at that time, "I want to go with you on Friday and talk to him."

A. That's correct.

Q. And there was no other reason for you to be there; isn't that correct?

A. The affidavit was the reason. I said there were two reasons.

Q. But you're aware through the conversation with Whitford that he and Early had gone up twice with respect to the affidavit.

A. I don't know if Early had gone or not. Lieutenant Whitford told me he had gone.

Q. And Whitford didn't say "I need you to get this affidavit."

A. Correct.

Q. You wanted to go?

A. That's correct.

Q. And you wanted to go so you could talk to Joseph?

A. That's one of the reasons, yes.

Q. And when you did talk to Joseph, you

said, "Joseph, whose side are you on?"

A. No, I did not.

Q. You argued with him about the statement he gave to Fox and myself.

A. Which one?

Q. The one in which he told you -- in which he told us that he talked with you several times on the phone, and you made reference to the pictures that you had in your possession and that the conversation in which he told us that he was visiting you in your office, and you showed him a stack of pictures?

A. I took exception with him about things that he said, and I know he was wrong.

Q. But you did take exception with him?

A. I did.

Q. You argued with him about it?

A. I don't know if you'd call it an argument.

Q. And he said, "Denny, that's how I remember it." Isn't that what he said?

A. That's correct.

Q. And incidentally the only way he would give you an affidavit was after he got a further letter of immunity. Isn't that true?

A. Through discussions with his attorney, that's what he wanted, yes.

Q. And he got it. Right?

A. Like I say, I haven't seen the letter.

Q. Okay. As a result of your going to Grand Rapids, isn't it true that Judge Houk enjoined you from going back there again and talking to James Joseph? Isn't that true? You got served with a restraining order?

A. No, it's not.

Q. Dated December 19th?

A. No, I did not get served.

Q. You're aware that a restraining order was issued against you and others?

A. Yes, I am.

Q. Dated December 19, 1990?

A. I don't know the date on it.

APPENDIX N

APPENDIX N

The pertinent portions of AUSA Bruha argument from the March 19 & 21 1991 Suppression Hearing, pp. 3-5 read as follows:

"MR. SHAFER: Thank you.

And only one more matter before -- I think one more matter. Mr. Bruha in his opening comments indicated, if I understood him correctly, that the search warrant itself was not limited in time. If that's Mr. Bruha's position, that the search warrant was not limited in time, we have a new problem; and that is, we have a general search warrant which is illegal, and it must be suppressed for that reason. Either there are limitations within the search warrant as to time, which may at least on its face make it valid, or there is no limitation as to time. In other words, can you go back before 1989 or 1950 or whatever.

THE COURT: What's your position, Mr. Shafer, that it is limited as to time?

MR. SHAFER: My position, Your Honor -- I hate to argue against myself, but my position is that contained within the search warrant there are limitations that would prevent the police from seizing evidence prior to 1989.

THE COURT: Where is that?

MR. SHAFER: That would be contained within the affidavit portion of the search warrant because the allegations only go -- although we contest that there is probable cause, the affidavit purports probable cause only going back to May of 1989, nothing before that. If that's read in with the search

warrant, we have a limitation of 1989. If we do not read that into the search warrant, we have a general search warrant that must be suppressed.

THE COURT: Mr. Bruha.

MR. BRUHA: Well, the government disagrees, Your Honor.

First of all, this issue is outside the scope of this hearing. We've already had a suppression hearing on the scope of the search warrant, and the scope of the search warrant has been upheld by this Court. The search warrant on its face does not contain a limitation to 1989. Defense counsel has not sited [sic] any authority to the Court that the search warrant is limited to the date of information contained in the affidavit, and I would be interested if he can submit any such authority.

THE COURT: Well, the search warrant won't be dismissed on the basis of what Mr. Bruha thinks it calls for. The Court will have to make an independent judgment. Even if Mr. Bruha's position is it is not limited as to time, that doesn't make it so.

MR. SHAFER: Thank you, Your Honor.

MR. BRUHA: My point, Your Honor, is that it is not limited to time on its face in response to defense counsel's argument that it should be limited to 1989."

APPENDIX O

APPENDIX O

FINANCIAL RECORDS SEIZED FROM MT. HOPE HOUSE

LISTED AS ITEM NO.'S 42, 48, 50, 51, 64:

1. 2 page cash receipt report.

2. 4 page RHC 87-XX trust agreement.

3. Piece of white paper with irrevocable on it.

4. Portage Commerce Bank stock Cert. (100 shares).

5. Three AeroLift Inc. stock Cert. (16,714 shares).

6. Purchaser's copy of $2000.00 dollar money order (10-25-89).

7. Two receipts from AeroLift stock.

8. Waste Engineering Inc., stock (10,000 shares).

9. Business Loan agreement paper, 2 pages.

10. Eighty-nine (89) Capitol National monthly bank statements.

11. Seventeen pages of Gruntal & Co. statements for 1989.

12. Five pages titled Bob Baldori Ledger.

13. Six pages titled House Budget - Oakes Rd.

14. Three Capitol Nat. Bank past due notice.

15. Invoice for Chuck Berry backup in 88.

16. Cap. Nat. bank late notice for 89.

17. Five receipts from Gruntal & Co.

18. Four pages describing plant growth.

19. Three pages with Accounts and Codes.

20. McDonald & Co. receipt for 89.

21. Advest statement Account for 89.

22. Two pages of Consumer Loan agreement for 89.

23. Tan folder containing Consumers Power monthly bills paid 89.

24. Tan folder titled Budget.

25. Tan folder titled Colkin 1989.

26. Tan folder titled Auto Owners Insurance bills and receipts marked paid.

27. Farmers Ins. Exchange bill.

28. Tan folder titled Taxes paid 89 containing receipt.

29. Michigan Annual report extension paper.

30. Copy of check made out to Greg White And Assoc.

31. Tan folder titled Misc. paid bills 1989 containing 60 Misc. receipts for 89.

32. Yellow piece of paper with COD on it date 89.

33. Tan folder titled Teleconnect paid 1989 containing monthly bills for 89.

34. Tan folder titled Greei White Ins. containing Misc. bills and receipts for

Farmers Ins. for 89.

35. Tan folder Titled 1989 Michigan Bell 6444 paid containing bills for 89.

36. Tan folder titled 1989 Michigan Bell 6644 paid containing bills for 89.

37. Tan folder titled 1989 Michigan Bell 6555 paid containing bills for 89.

38. Farmers Ins. group folder with information on insurance inside.

39. Brown folder titled JJ Cimino Collections containing 2 past due account notices.

40. Tan folder titled Blue Swan Pub (lined Out) and replaced with Consumers Power/1990, Oakes Rd.

41. Tan folder titled BMI Corr (lined out) and replaced with Shiawassee Co. Telephone Bills paid /90, containing monthly bill receipts (one receipt).

42. Nine Capitol Nat. Bank envelopes.

43. One Cap. Nat. Bank envelope with account # on it.

44. Tan folder titled Capitol National Loan.

45. Tan folder titled Capitol Nat. Bank Deposit Slips 89.

46. White paper stating the word House.

47. White piece of paper titled Bob Baldori And Associates.

48. White envelope dated 90 containing Cellular stock information.

49. Two page estimate titled Plywood Sale Window & Door Co. in 89.

50. Alcoa aluminum pamphlet.

51. One page titled bob Baldori TSS part usage list dated 89.

52. Envelope containing Gruntal & Co. information.

53. Tan folder titled Baldori Ins. - Life containing a life ins. form for 89.

54. Tan folder titled Income tax forms containing and 89 blank income tax forms and schedules and Sales Tax license.

55. Fourteen-page Telephone number listing.

56. Tan folder titled Cellular Phone Information containing 89 Investment summary.

57. One statement from Dyer Well drilling dated in 89.

59. Two pages containing cabinet appraisal and sizes.

60. One page of telephone memo sheet from Lansing sound dated in 1989.

61. Checking receipt book for Baldori dated 10-1-89.

62. One page payers request for Taxpayer Identification # for 1989.

63. One hundred seventy-five (175) canceled checks from First of America for Lansing Sound Studio Account for 1988 and 1989.

64. Tan folder.

65. One orange folder containing 11 Misc. receipts and cash flow statement ranging in years from 1981 to 1982. Literature from Gruntal and Co. and Advest for 1990.

66. Board of Water and Light bill dated 1982.

67. Receipt to Lansing sound from Daytimers Inc. dated Jan. 90.

68. Tan folder titled check stubs 89 containing four Mich. National Corp. Stubs and one United Parcel stub.

69. Tan folder titled 1st of America statements/checks 89 containing 23 account statements from 1st of America and eight deposit slips to Capitol National, six notices of overdraft from 1st of America, One notice of insufficient funds from Capitol National, One funds transfer notice from Capitol National.

70. Tan folder titled JT Trust containing Literature from Gruntal and Co., Literature from Provident Financial processing Corp., literature from Home Group Trust, McCaw Cellular Communications, letter from Regional Clearing Corp. dated in 89, share owner vote authorization form dated in 89.

71. Tan folder titled McCaw Cellular containing literature about 1988 Annual report.

72. One Manila envelope containing literature from Tri Steel structures, four pieces of paper from Capitol National, two pieces of paper from Gruntal and Co. dated 1989, one page balance sheet of assets dated in 1989, letter from Mid-State title company dated in 1989, copy of telegram dated 1989, copy of Estoppel Cert. dated 1989, two page copy of House Budget of Oakes Road.

73. Shipping order from Mail Box, Etc.

74. Manila envelope containing 306 misc. 1988 receipts, seven misc. pieces of paper.

75. Twelve Misc. 1989 receipts.

76. Tan folder titled Legal Research Corp. containing 16 pages of billings for research and research for 1988.

77. Tan folder titled Capitol National bank 1986 containing stock information from Merrill Lynch, Mosley Securities Corp., Thompson & McKinnon, statement of monthly checking accounts from Capitol National Bank for 1986, consumer promissory notes from Capitol National Bank for 1986, ten notice of overdraft statement from 1st of America, two lien on property notice for loan and termination notice from 1983, receipts of Securities delivered from Baldori dated 1986, canceled check from 1st of America dated in 1986, two slips from 1st of America dated in 1986, three customer receipts from East Lansing State Bank from 1986, the Exchange, loan papers from 1986, 14 billing from Capitol National Bank dated 1986, 47 deposit slips for Cap. National from 1986, 18 statements from Cap. National Bank for handling charges for 1986, two notification of checks returned for NSF, one credit account for NSF notice, one error in deposit slip, one payment notice for 1986 from Cap. National Bank, Baldori two-page balance asset sheet for 1986, two disclosure statement for loans for 1986, Gruntal and Co. transfer form.

78. Tan folder titled Portage Bank containing Literature about the bank dated 1989.

79. Tan folder titled Miscellaneous Paid Bills containing 69 miscellaneous bills and receipts for the 1987 and 1988.

80. Tan folder titled Marva, George containing two page billing from George Marva, paid date of 2/15/88.

81. Tan folder titled Gruntal Money Market containing a dividend check from CEF Money Market for $.41.

82. Seven miscellaneous receipts, correspondence and literature together.

83. Tan folder titled Capitol National Notes containing 16 deposit slips dated 1988 from Capitol National Bank, one statement of miscellaneous income for 1987, statement from Capitol National Bank, dated 1/21/89, 12 pages of Lansing Sound P&L statement for 1988, 1981 through 1984 balance sheets for Lansing Sound Studio, 23 pages of First of America checking account for 1988, one page titled Total for 1986 Outstanding Code, four pages dated 1988, Mosley account statement for 12/31/87 through 3/31/88, four pages of Lansing Sound Studio statements from Capitol National Bank for 1988, one page of Lansing Sound Studio statement from Capitol National Bank for December 1987, three pages of Advest statement accounts for 1988, one page Gruntal Company statement for December 1988, two page statement from Cooley Lawyer's Credit Union for June and December 1988, five page statement from Loan Servicing Center dated February 1988 and May 1988, two loan payment receipts from Capitol National Bank dated November 1988, notice from Capitol National Bank dated 5/30/88, notice from Capitol National Bank dated 8/28/88, three pieces of paper from Capitol National Bank indicating payment due notices, three Consumer promissory notes from Capitol National Bank for 1988, one Consumer promissory note from Capitol National Bank for 1987, 13 pages titled bob Baldori account ledger dated 1988 and 1989, one gold-colored account ledger dated in 1988, one

white piece of paper titled colkin Associates not dated, 17 pages of account statements from First of America dated 1988, 13 pages of account statements from Capitol National Bank dated 1988, one cashier's check payable to Robert Baldori remitter Lansing Sound for $7,000.00 dated 11/14/88, two fund transfer notice from Capitol National Bank dated in 1988, 20 NSF notices from Capitol National Bank dated 1988, one certificate from Omaha Financial Life Insurance company dated 1988, one letter from Capitol National Bank.

84. Tan folder titled Colkin containing one piece of paper with Bob's Calls at the top, one piece of paper titled Monica's Time Divisions, one piece of paper with a written note to Bob.

85. One manila envelope titled 1988 First of America Bank Statements containing one tan folder titled one same - empty.

86. Tan folder titled 1988 Log Sheets containing 85 pages of Lansing Sound Studio Client Log.

87. One manila envelope titled General ledger Profit & Loss 1988 Lansing Sound Studio - empty.

88. Tan folder titled Spring Paid 1988 containing monthly bills for 1987-1988 from U.S. Spring and one pamphlet for FON business.

89. One tan folder titled Board of Water and Light bill stubs and past due notices for the address of 1556 Snyder Road dated 1988.

90. One tan folder titled Mich Bell Paid 6444 containing 12 Michigan Bell statements of charges and one Michigan Bell work order.

91. One ta folder titled Capitol National

Bank 1988 - empty.

92. One tan folder titled Capitol National Bank Statements containing one past due notice dated July of 1988.

93. One tan folder titled Loan Info. containing one Omaha Financial Life Insurance Rider.

94. One tan folder titled Spring Not Paid 1988 containing U.S. Spring 1987-1988 phone bills.

95. One tan folder titled Loan Service Center containing four letterhead correspondence from "The Loan Servicing Center" and one pink envelope.

96. One tan folder titled Student Loans containing five notices of accounts due payable to SLMA ALAS/PLUS, five pieces of correspondence letterhead of the Loan Servicing Center, literature from Sallie Mae, one sheet of stickers of Hemar Service Corporation.

97. One tan folder titled Duncan Duplication 1988 paid bills containing message correspondence from Lansing Sound Studio, one shipping/billing from Duncan Electronics Division, one invoice from Duncan Quality Duplication, Incorporated.

98. One tan folder titled DBS Incorp. containing one invoice from DBX and one message to DBX dated 1988.

99. One tan folder titled 1988 Granger Paid containing four Granger receipts for 1988.

100. One tan folder titled AVD Invoices Paid 1988 containing six paid invoices from Audio Video Distributors, a two-page bill from

National Business Furniture, one Audio Video Distributors account credit form.

101. One tan folder titled Consumer Power Paid 1988 18 Consumer Power bills for 1988, two 1987 Consumer Power bills containing in an envelope, and one letter of correspondence from Consumer Power.

102. One tan folder titled Michigan Bell Paid 6644 containing monthly telephone bills for 1988 for number 351-6644.

103. One tan folder titled 1988 Paid Phone-6555 containing monthly telephone bills for 1988 for number 351-6555.

104. One tan folder titled Consumer Power Unpaid 1988 containing one June 1988 Consumer Power bill.

105. One tan folder titled Miscellaneous Unpaid Bills 1988 containing two statements from Lansing Advertisement Club dated in 1988, and one bill from Duncan Electronics dated in 1988.

106. One tan folder titled Lansing State Journal Paid Bills containing 11 receipts for the Lansing State Journal.

107. One tan folder titled Smith Tree and Landscape containing four bills/paid statements.

108. One tan folder titled Pitney/Bowes containing one bill to Colkin Associates dated March of 1988.

109. One tan folder titled Auto Owners Insurance Bills, Etc., containing eight billing notices, two policies for vehicles, and Auto Owners envelopes.

110. One tan folder titled Ozoteq, Inc., containing literature from Ozoteq, Inc.

111. One tan folder titled TeleConnect Paid 1988 Long Distance containing three itemized phone call and billing notices, one letterhead correspondence from TeleConnect, USA.

112. One white envelope from Aerolift Corp. containing 1988 annual report and literature.

113. One express mail receipt.

114. One notice from IRS dated August of 1988 to Robert Baldori.

115. A copy of a cashier's check from Lansing Sound Studio payable to Bob Baldori for $3,000.00, a notice of nonsufficient funds from Capitol National Bank dated in 1988, two notices from First of America for overdrafts.

116. One tan folder titled spartan Travel containing three travel agenda envelopes.

117. 1988 tax books and instructions, one white envelope from the IRS containing a piece of paper indicating that tax return is overdue, one letter from Michigan Tax Tribunal with attached tax forms dated 1988.

118. One tan folder titled Purchase Orders Invoices containing two Aviso, Incorp. purchase orders, one All-State Legal Supply Company invoice, one S&S Custom Tape invoice, one CRT invoice, one Spartan Travel credit invoice, one Neotek receipt, one repair receipt from Bud Kouts Honda, one repair receipt from Hedy's Towing-Snow Plowing.

119. Two invoices from Avios, Incorporated dated 1986, two invoices from Independence One Bank dated 1986, one invoice from WSYM TW dated 1986, one statement pertaining to

possible loan dated 1986.

120. One tan folder titled Aerolift containing two envelopes with letterhead of Aerolift, Incorporated containing 19 pieces of paper correspondence from Aerolift, Incorporated.

121. One folder from Aerolift containing 1985 annual report.

122. One green hanging file folder containing the following: one tan folder titled United Cable T.V. which contained a statement, a tan folder titled IRS which contained letter of tax due from Township of meridian, a tan folder titled Snyder Road, East Lansing/Jean Strandness, containing three 3x5 index cards with figures on them, a W-9 form, correspondence letterhead from Merrill-Lynch, one Gruntal business envelope, one tan folder titled National Bank of Chicago 1986 containing one Exchange Cash Station card, four checks from the Exchange, two records of all charges, one Cash Station PIN number document, one application from the Exchange dated September 2, 1986, one tan folder titled Thompson-McK containing substitute from W-9, two pieces of correspondence from Thompson-McKinnon Securities, Inc., one tan folder titled Merrill-Lynch containing invitation to Michigan Festival, one tan folder titled First of America LSS 1986 containing certificate from Omaha Life Insurance dated 1986, one overdraft statement from First of America, certificate from Omaha Life Insurance dated January 1986, certificate from Omaha Life Insurance dated June 1986, white envelope from the IRS containing second request for tax return.

123. Eighty-one (81) canceled 1987 checks from First of America.

124. One white envelope titled miscellaneous

receipts 1985-1986 containing six receipts, one note from Bob Baldori to Minnie dated 1986.

125. One white piece of paper with 1986 on it.

126. One white piece of paper from the IRS dated 1986.

127. One hundred three (103) canceled checks for 1985 from Capitol National Bank.

128. Canceled checks no.s 160 through 243, from Capitol National Bank for 1984 and 1985.

129. Canceled checks no.s 734 through 833, from Capitol National Bank for 1988, 11 deposit slips for Capitol National Bank, one credit slip for Capitol national Bank, three Capitol National Bank transaction receipts.

130. One canceled check from Capitol National Bank (No. 403).

131. Bank check records from check no.s 401 through 805 for 1984.

132. One transaction register from check no.s 413 through 562 dated 1986.

133. Five canceled checks from Capitol National Bank.

134. Check record from check no. 701 through check no. 1105 dated 1984 and 1985.

135. Check record from check no.s 101 through 505 dated 1983 and 1984.

136. 218 canceled checks dated 1988 from First of America and 44 customer transaction receipts from First of America rubberbanded together.

137. 171 canceled checks from Capitol National Bank dated January 1986 and December 1987.

138. Brown envelope containing 617 deposit slips from years 1976, 77, 78, 79.

139. Brown envelope containing 91 slips containing checks written on account for years 1969, 1970, 3 deposit slips.

140. One check register documenting checks written on account from 12-19-88 thru 1-15-90, Lansing Sound Studio account, 14 canceled checks, two deposit slips, one paid cash receipt dated 1-3-90.

141. Manila envelope titled 1980 deposit receipts containing 383 deposit receipts from East Lansing State Bank.

142. One deluxe box titled 1974 deposit receipts containing 226 deposit receipts from East Lansing State Bank, eight copies of unsecured notes, five copies of collateral notes, one check stub, two misc. receipts, cashiers checks receipt, two correspondence from ELSB for safety deposit box, loan notification paper, one misc. note.

143. Blank checks for Lansing Sound Studio, check # 1776 through 1800.

144. One manila envelope addressed to Jeff Abood - empty.

145. Two-page letter titled Bob Baldori Asset Description.

146. Nine-page telephone list.

147. One Beetle Bailey cartoon from a newspaper.

148. Nine-page telephone list.

149. One-page written net worth.

150. One advertisement cut out of a newspaper.

151. A tan envelope with Lansing Sound Studio logo with writing of LSS 1981 Deposit Receipts which contains 96 deposit receipts to East Lansing State Bank.

152. One brown expanding folder - empty.

153. One envelope with Lansing Sound Studio logo containing 81 East Lansing State Bank deposit slips dated in 1980, two receipts dated in 1980, three check registers - one titled 74-75, one titled 75-76, and one 76-78.

154. Various items which had been contained in an evidence envelope and identified as item no. 51 and consisting of: various correspondence for notification of unpaid federal income tax from the IRS, one correspondence letter from Capitol National Bank, owners manual for a Sound Design telephone, correspondence from Thompson-McKinnon, correspondence from Gruntal & Co., one miscellaneous note, one guest receipt, two hotel receipts from las Brisas, Acapulco, and two miscellaneous receipts.

155. One tan folder titled Miscellaneous (no year) containing three check stubs, one check register titled The Exchange with five deposit slips, one limited warranty card, PIN number from Capitol National Bank, cash receipt from Cooley Law School, receipt from Big George's Home Appliance Mart (no date), letterhead from East Lansing State Bank in reference to a mortgage loan analysis, one envelope title Remarkable Products, Inc., three index cards, one computer printout with the word Aerolift Curry, one pad of note paper.

156. One manila envelope with a return address

to the Michigan Department of Treasury containing literature for Small Business Tax Deductions.

157. One tan folder titled Telephone Info. containing 16 pages of telephone numbers which had been contained in an evidence envelope and identified as item no. 51.

158. One tan folder titled Waste Engineering containing 18 pages of summary information.

159. Three green hanging file folders - empty.

160. One yellow folder with writing on it which had been contained in an evidence envelope and identified as item no. 51.

161. Two pages of 1989 Michigan Annual Report forms.

162. IRS information form.

163. Four blank pieces of white paper.

164. One white piece of paper with numbers in a row on it.

165. Eight tan folders - empty.

166. One gold folder with CHEM written on it.

167. One brown box bottom.

168. One piece of paper that has miscellaneous written on it (no year).

169. One tan folder titled 1987 Log Sheets containing 28 pages of musician client time sheets.

170. One magazine entitled New York Time Magazine Home Design dated April 1987.

171. One manila envelope titled 1987 Miscellaneous Receipts containing 185 miscellaneous receipts for 1987 and 1988.

172. One manila envelope titled Miscellaneous Paid Invoices for 1987 containing 17 miscellaneous receipts, one-page ledger titled Kevin Wilson/Bobbie Adams, 15 pages of music client time sheets, two blank envelopes.

173. 1987 Michigan tax instruction booklet.

174. Form letter from the Department of Treasury dated 1988.

175. Eleven (11) miscellaneous receipts for 1987.

176. One brown expanding folder - empty.

177. One tan folder titled Yellow Pages Advertisement Agreement containing two directory receipts dated in 1988, attached to the tan folder are five pages of invoices from Audio Video Distributor and one order form from Duncan Quality Duplication.

178. One tan folder - no title - containing one paid receipt from 1987.

179. One tan folder - no title - containing five receipts from 1987.

180. One tan folder - no title - containing 29 miscellaneous receipts for 1987.

181. One tan folder - no title - containing 26 miscellaneous receipts.

182. One tan folder - no title - containing 14 miscellaneous receipts for 1987.

183. One tan folder - no title - containing three miscellaneous receipts, one Boogie Bob

message, a yellow piece of note paper containing numbers, a two-page letter titled Boogie Bob and Associates and Boog's report on it containing miscellaneous expenditures and amounts (no date), a two-page paper titled Boog's report containing miscellaneous expenses and amounts.

184. Two envelopes from Mosley containing literature both dated in 1987.

185. Cop of a notice to creditors and stockholders from Top Brass Enterprises.

186. One piece of paper titled Aerolift titled 1987.

187. One tan folder titled April 1987 containing phone bills, one Consumer Power bill, one turn-off notice, seven pages titled U.S. Spring phone service, one piece of paper with copies of canceled check 1210 from Lansing Sound Studio and two copies of a U.S. Spring bill dated in 1987, one notice of telephone disconnect for 1987.

188. One tan folder titled July 1987 containing one Consumer Power bill, one Michigan Bell bill, one Granger bill, and one U.S. Sprint bill.

189. One tan folder titled June 1987 containing one Consumer Power bill, one Michigan Bell bill, one U.S. Sprint bill.

190. One tan folder titled May 1987 containing one Consumer Power bill, one Michigan Bell bill, one U.S. Sprint bill, and a Consumer Power turn-off bill.

191. One tan folder titled February 1987 containing one U.S. Spring bill and one Michigan Bell bill.

192. One tan folder titled March 1987 containing one Michigan Bell bill.

193. One tan folder titled October 1987 containing one Granger bill, one Consumer Power bill, a refund credit slip for Consumer Power, one U.S. Spring bill, a bill from Allnet Communications, a one-page letter to Allnet, two-page memo to Allnet.

194. One tan folder title September 1987 containing one U.S. Sprint bill, one Michigan Bell bill, one Consumer Power bill.

195. One tan folder titled September 1987 - empty.

196. One tan folder titled August 1987 containing one Consumer's Power bill, one U.S. Sprint bill, one Michigan Bell bill, one AT&T bill.

197. One tan folder titled January 1987 containing one U.S. Sprint bill.

198. Two-page Boogie Bob asset description.

199. Six-page Boogie Bob balance sheet and expenses for 1989.

200. Aerolift 1987 Annual Report.

201. Yellow file divider title GEN transaction.

202. One tan folder titled Loan Agreements 1983 containing one East Lansing State Bank Mortgage Department Annual Statement for 1983, 24 sheets of paper containing a Boogie Bob balance sheet and personalized loan computer notes.

203. One tan folder titled Capitol National Bank Statements/Receipts - LSS containing 14

First of America account statements, one VISA bill, 17 deposit slips from First of America dated 1987, a copy of canceled check dated 1987, two overdraft notices from First of America dated 1987, two deposit slips from Bank One dated 1987, two deposit slips from Capitol national Bank dated 1987, three 1987 Statement of Income reports, six Boarshead Theater pay stubs, 15 Capitol National Bank account statements dated 1987, three-page account statement from Thompson-McKinnon Securities, four-page Boogie Bob report of expenses (no date), letter from First of Michigan Corporation dated 1987, two-page proposal from Donald Placer dated May 2, 1987, proposal from Magnotta Builders dated April 10, 1985, 12 pages of First of America checking account expenditures, 17 page Lansing Sound Studio balance sheet, one consumer promissory note from Capitol National Bank dated 1986, two Cooley Credit Union account statements dated 1987, Department of Education loan form dated 1987, Loan Servicing Center loan form dated 1987, three Thompson-McKinnon stock receipts dated 1987, copy of Thompson-McKinnon payment to Robert Baldori, three miscellaneous Thompson-McKinnon receipts dated 1987, seven Mosley account statements dated 1987, two Mosley purchase confirmation slips for 1987, four cash equivalent fund account statements for 1987, seven First of America checking account statements for 1987, three-page cash voucher account statement for 1987, one statement from Capitol National Bank dated 1987.

204. Tan folder titled plans containing a tan folder titled invoices/receipts containing invoice slip from MidWest power equipment, Baker plastic company product warranty, invoice receipt from American Homecrafters, invoice from Armour, 4 invoices from Smith Tree and Landscape Ser, 2 pages of Installation of sinks, invoice receipt from

Hammond Farms, 2 invoices from Carpet Fair, invoice from Vinylast Inc. iprice [sic] list of unk. origin, 5 pages from valley lumber, Tan folder titled electrical containing 7 sheets of graph paper showing diagrams, 2 pieces paper with diagrams on it, Mansfield plumbing warranty, Central Mich. Lumber advertisement paper, A pad of graph paper, Advertisement for Gazabo's, 28 pieces of graphs and loose leaf papers with diagrams, 2 pieces of graph paper with drawings enclosed in plastic, one envelope titled Monterey Domes containing letter to Baldori.

205. Tan folder containing one white piece of paper with 1987 on it, Tan folder with 1985 on it.

206. One tan folder titled DVD invoices not paid 1988, empty.

207. One tan folder titled Cap. Nat. Bank BB 1984, containing 23 deposit slips dated 1984, 5 credit slips from Cap. Nat. Bank dated 1984, 2 payment due notices from Cap. Nat. Bank dated 1984, 1985, one slip with ATM card # on it, 3 interest paid slips for 1984, interest paid slip from East Lans. State Bank for 1984, Misc. income receipt for 1984, 1099 G form recipients of income tax refund.

208. One tan folder title Cap. nat. Bank FP 85 thru 87, empty.

209. One tan folder titled 1st of America statement/receipts, LSS 1987, empty.

210. Twenty-three page account statement from 1st of America for 1984, billing invoice from The Exchange, installment loan agreement from Capitol Nat. Bank, two page computer printout titled 1984 Jan. bank entries, two page printout titled 1984 February bank entries, two page printout titled 84 March entries, two

page printout titled 1984 April entries, two-page computer printout titled May 1984 bank entries, two page printout titled Bank entries for June 1984, two-page computer printout titled July/August 1984 bank entries, two-page computer printout titled September 1984 bank entries, one-page computer printout titled October 1984 bank entries, two-page computer printout titled November 1984 bank entries, two-page computer printout titled December 1984 bank entries, two-page computer printout for January 1985 bank entries, two-page computer printout for February 1985 bank entries, two-page computer printout for March 1985 bank entries, two-page computer printout for April 1985 bank entries, two-page computer printout for May 1985 bank entries, two-page computer printout for June 1985 bank entries, two-page computer printout for July 1985 bank entries, two-page computer printout for August 1985 bank entries, two-page computer printout for September 1985 bank entries, two-page computer printout for October 1985 bank entries, two-page computer printout for November 1985 bank entries, two-page computer printout for December 1985 bank entries.

211. Two 1984 tax return booklets.

212. Four-page expense ledger dated July 1984.

213. One envelope entitled College Scholarship Service containing $7.00 check dated 1984.

214. Six pieces of correspondence from the IRS, one disclosure statement for loans.

215. One blank piece of paper entitled 1983.

216. One tan folder titled East Lansing State Bank containing installment loan agreement from Capitol National Bank dated 1983, two East Lansing State Bank installment loan receipts dated 1983, one white envelope

containing 27 miscellaneous receipts.

217. Four envelopes containing correspondence from the IRS.

218. One check stub from Thomas Cooley Law School.

219. Letter of correspondence from Richard J. Albert.

220. Two copies of consumer promissory notes from Capitol National Bank.

221. Guaranteed Student Loan Interim Note.

222. One copy of installment loan agreement from American Bank and Trust.

223. Two-page bill from plywood sales dated November 1989.

224. Two-page document from Shiawassee County (one is an application for building permit dated October 1989).

225. Two-page estimate from Plywood Sales dated October 1989.

226. Yellow piece of paper titled Window Totals.

227. Seven-page 1984 U.S. Individual Tax return.

228. Two IRS balance due form.

229. One Rite-Aid bag.

230. Six-page 1983 U.S. Individual tax return.

231. Two-page explanation of adjustment from IRS dated 1983.

232. One white piece of paper titled Richard J. Albert for accounting services dated December 1986.

233. Nine-page telephone/address list dated November 1987.

234. One overdraft notice from Exchange National Bank of Chicago dated 1984.

235. Fifty-five (55) canceled checks from the Exchange.

236. One deposit slip from Capitol National Bank dated 1983.

237. Six checking deposit receipts from the Exchange dated 1984.

238. One finance charge notice from Capitol National Bank dated 1984.

239. One check stub from the State of Michigan dated 1983.

240. One cash voucher from Cooley Law School dated 1984.

241. One account statement from Cooley Lawyer's Credit Union dated 10/1/84 - 1/1/85.

242. One check stub from Thomas M. Cooley Law School.

243. Two check stubs from City of East Lansing.

244. One tan folder titled Audit Letters - empty.

245. One tan folder titled Capitol National Bank 1985 BB - empty.

246. One tan folder titled Miscellaneous -

empty.

247. One tan folder titled Pay Stubs - empty.

248. One tan folder titled Citibank - Statements - empty.

249. One tan folder titled Cooley Law containing a blank savings transaction record book, two newsletters from Cooley Lawyer's Credit Union.

250. One tan folder titled National Bank of Chicago BB 1984-1985 containing one white envelope, two pieces of correspondence from the Exchange, and a Customer Calling Guide for Michigan Bell.

251. One green hanging file folder titled 1985 containing 17 overdraft notices from Capitol National Bank dated 1985, 26 deposit slips for Capitol National Bank dated 1985, one loan contract from the Exchange Bank, one 1985 miscellaneous income statement, one check stub dated 1985, miscellaneous receipt dated 1989, 1985-86 MSU Wrestling schedule card, one piece of paper entitled Music Company Inc., one car repair receipt from Vette Customs dated 1985, 1985 Income Tax forms and instruction booklet, one share draft balance statement from Cooley Layer's Credit Union, one Direct Express Mail receipt dated 1985, receipt dated 1985 for Plat book, account statement for United Cable, disclosure statement for loan application dated October 1985, one Passport, nine account statements for Capitol National Bank dated 1985, two receipts from Cooley Lawyer's Credit Union dated 1985, two account statements from Cooley Lawyer's Credit Union dated 1985, three pages of account statements from the Exchange, two pages of Commercial Loan Interest statements from the Exchange, 21 pages of First of America account statements dated 1984 and 1985, two East Lansing State Bank account

statements dated 1985, four deposit slips East Lansing State Bank dated 1985, December tax due notice from East Lansing State Bank dated 1985, cashier's check receipt dated November 1985, two Merrill-Lynch receipts dated 1985, copy of the two Merrill-Lynch receipts listed above, receipt from Broadcast Music dated June 1985, financial aid form from Cooley Law School, three copies of Merrill-Lynch account statements dated 1985, four Citibank VISA bills dated 1985, two Manley, Bennett & McDonald account statements dated 1986, three Mosley account statements dated 1985, one Mosley literature packet dated 1985.

252. One brown accordion folder containing 581 miscellaneous receipts from 1985, 1986 and 1987.

253. One brown accordion folder containing 181 miscellaneous receipts from 1989, one piece of paper with computer writing, one order form for Instyprints.

254. One Spartan Travel itinerary.

255. One sale advertisement from OPUS.

256. One order form for Bob Baldori - company unknown.

257. One Certificate of Persons Conducting Business under an assumed name for Kelly Boyle.

258. One ring-side wrestling advertisement.

259. Two pages of a vendor application (one original and one carbon).

260. Nineteen pages of a bill dated 12/28/89 from TeleCom, USA.

261. One Advice of Interest form from Capitol

National Bank.

262. One Citibank Visa Card in the name of Robert Baldori.

263. One Capitol National Bank money card in the name of Robert Baldori.

264. One Teleconnect All Call America card in the name of Robert Baldori.

265. A letter to Mr. Miller from Bob Baldori, ref. Gregory Gutierrez.

266. An addendum to the above letter/agreement.

267. An invoice for services to Greg Gutierrez.

268. Two envelopes addressed to Gret Gutierrez.

269. 279 - 3.5" discs, 157 5.25" discs, and 16 containers.

RECEIPT FOR PROPERTY

I, Guy L. Sweet, received the computer discs listed on the attached inventory from IRS Agent Patrick Healey on Thursday, January 24, 1991. These disks were locked inside an evidence cabinet which is inside a locked office at the Ingham County Prosecutor's Office, 303 West Kalamazoo Street, Lansing,

Ingham County, Michigan.

Guy L. Sweet
Assistant Prosecuting Attorney

Dated: January 24, 1991

Following is a list of file boxes of disks seized from Robert Baldori's home in January 1990 that were in possession of Special agent Pat Healey.

Container 1 19 disks 3 1/2 Utilities-WB, Kickstarter, Boot, Extras, Demos

1. Amiga Boot
2. Amiga Boot
3. Amiga Kickstart 1.1
4. Amiga Workbench 500-2000 Series 1.2
5. Amiga Workbench 1.1
6. Amiga Workbench Barebones
7. Amiga Workbench 1.3
8. Amiga Library
9. Amiga Kalescope
10. Amiga Kickstarter 1.3
11. Amiga Boot
12. Amiga AM-3370106553
13. Amiga Manual
14. Amiga Boot Dos 3.0 SC51
15. Amiga Workbench 1.2
16. Amiga Kickstart 1.2

17. Amiga Basic 1.2

18. Amiga Basic 1.2

19. Amiga Basic & Tutor

Container 2 29 Disks 5 1/4 No Label

1. LSS Accountant 94 Backup

2. LSS programs

3. LSS Accountant 1986 data

4. LSS Accountant 1984 2nd 1/2

5. LSS copy programs II plus V.2 Locksmith 2.0

67. Format I DOS 3.3

8. PFS file master disk

9. LSS Software

10. LSS multiplan

11. Bob accountant 39 backup

12. Accountant Ver. 5

13. Format II correspondence 1985

14. Appleworks WP Brief

15. Appleworks master with Semini Glossary

16. Prof. Kimble Nuisance

17. Record Agree R. Penn

18. Format II Bad disk

19. Applewriter IAF script 1984
20. Complete script applewriter II
21. IAF September 1983 script reversions
22. Format II date record agreement
23. IAF 1984 Jobe Carny
24. AP II Legal briefs
25. KB format II Disk 2
26. Gutenberg master
27. DBase II Blue Swan
28. Blank disk
29. Format II weed Bolero briefs
30. LSS Format II

Container 3 23 disks 3.5' No label

1. Utility disk - for the business accountant
2. BIZ acct program master 2nd disk
3. PFS Data client mailout mail #2
4. LSS Accountant 1989 backup data
5. LSS accountant 1989 master disk
6. DOS 3.3 system master Bob
7. PFS report
8. LSS Multiplan date

9. LSS accounting 1988 drive 2 backup date

10. LSS Accounting backup for the backup

11. LSS 1988 new master drive 2 data

12. LSS Accounting 1987 data disk drive 2

13. LSS Accounting 1987 backup disk

14. LSS accounting 1988 drive master data

15. LSS 1985 BIZ acct data

16. LSS Backup 1986

17. Hotstreak 1988 date

18. Hotstreak 1988 backup

19. Utility disk data backup to original

20. FAM 10 accounting programs BIZ acc 2nd disk

21. #3 FFS logs 5/10/84 Current

22. 1985 log LSS Studio Log

23. LSS Format II program

Container 4 39 disks 3.5
No Label (3 compartment container)

1. ARP 1.1 print driver & development Dr. Dougle

2 Amiga II Virus Killer

3 Maruader

4 WP normal boot

5 Workbench 1.3 98 Pro

6 Prowrite system

7 Amiga Textcraft

8 Amiga Textcraft configuration text plus

9 WB 88 on line

10 Blank

11. Learn

12. WP master 5.89

13. Superbase Pro 3 update

14. Print WP 10/88

15. WP-Vo 10-20 fully configured 98 10

16. on line

17. Excellence

18. Olga

19. Olga Workbench demos

20. clocks

21. DHO boot 1.3

22. Amiga Basic & Tutors

23. Superbase pers.

24. Climate Marauder II file 10

25. Wp library backup

26. Blue Swan date

27. Amiga Climate

28. Text Craft master elite

29. Pro write programs

30. Blank

31. DMO boot 1.3

32. Blank

33. TC Master Gemini fixhunk elite with demos, amiga configuration

34. WP print

35. Pro write system

36. Print

37. Word perfect library

38. Word perfect library

39. Word perfect library update

Container 5 19 disks 3.5 Graphics (including address label for 2719 Mt. Hope)

1. **Aegis Draw - Commodore Amiga**

2. **Aegis Draw - Commodore Amiga**

3. **Draw Plus data**

4. **Draw Plus AEG 15**

5. Draw 2000 3/31/89
6. Draw Math compressor version
7. Draw 2000 3/30/89
8. Draw 2000 3/30/89
9. Boog III draw & data disk/calendar/garden
10. Draw Plus data calendar
11. Book 2000 draw
12. WP library draw 2000 calendar data
13. Draw 2000 program disk
14. Draw 2000 data disk
15. AEGIS draw
16. AEGIS draw
17. Graphic raft
18. EAJ 10/28/87 deluxe print II baldori
19. EAJ 10/28/87 deluxe print key disk baldori

Container 6 16 disks 3.5 Wordperfect

1. Master date WP legal I
2. Master date WP Boog date legal
3. WP personal Boog personal journal; personal correspondence Swarts
4. speller thesaurus

5. wp pers backup

6. Blank

7. wp personal book IPERS

8. LEN - data

9. fameous

10. Word perfect WP Boog I Date III. bar

11. WP Boog data personals backup

12. WP Boog II data backup

13. WP Boog III entertainment K's boiler plate -fameous

14. WP Boog III entertainment K's boiler plate -fameous

15. WP Boog III entertainment K's boiler plate -fameous

16. Demo boot backup

Container 7 11 disks 3.5 Music

1. Or T's music software backup

2. Soundscope 1.4 w/wb 1.2 installed + smooth cloaker + fast tracker

3. Soundscope 1.4

4. Soundscope 1.4

5. Soundscope modules

6. Mimetics Soundscope

7. Music studio Ser #3001

8. Deluxe music construction set

9. Soundscope

10. Soundscope 1-3

11. DMCS

Container 8 50 disks 5.25 VS data fameous pres

1. Spectral graphics master chart

2. FAM IV 1984 BIZ Acc data disk

3. FAM IV BIZ Account backup 1984

4. FAM IV 1984

5. Spirit 1984 Acc

6. Accountant V.5 Alstar 1984 data

7. BIZ acc alstar 84 backup

8. Alstar V.5 Acc 1984 Backup

9. SA 1984 Biz acc backup

10. K38 Screen Art Business acc

11. Account Fameous Date 83

12. Account Spirit date 83

13. Account V.5 1983 unlocked allstar data 2nd disk

14. allstar account 83 data backup

15. account LSS V5 1983 2nd disk

16. Account Spirit 1981 data chart of

accounts

17. account spirit 1982
18. Hot Mix Biz Account single disk 84
19. Hot Mix 1983 account V5 data
20. OFS data IAF backup
21. Viscale VC 2088o-AP2 843 10845
22. Magical master
23. Magical data 83
24. Magical data 84
25. Screen Art FMS# files drive 2
26. FMS # screen Art drive 1
27. Pascal
28. Hot Mix FMS 81 data
29. Vistrend/Visaplot
30. Magic Window driver
31. Magic Window driver
32. Easywriter
33. Pascal 2
34. Account V.5 screen art backup
35. PFS data RC songs
36. Pascal #1
37. Diversi Dos

38. PFS system

39. Filer fast copy disk test & Disk speed

40. applewriter LSS data #

41. Applewriter II master Fern Floss 2 W pal & M print

42. Applewriter II LSS Data

43. PFS Data ADAC

44. Print Shop lib 1 & Print shop lib 2

45. Print Shop A program & B demo

46. Micro Illustrator

47. Locksmith 5.0

48. DB cal viscale interface (the business accountant by Decision Support software)

49. Action plan demo fitness profiles & Exercise program

50. Dos 3.3

Container 9 29 disks 3.5 Data base (with Address label 2719 Mt. Hope)

1. WP Boog Pers 1

2. Legal-1 8-89 RLS Legal 88 pers data

3. Superbase update

4. Maxiplan +

5. 88 PRi studio log

6. Maxiplan + plus

7. Superbase Pro form editor

8. Progressive peripheral + software

9. Amiga

10. Miamiga File Bob's address

11. Logis IIX examples

12. Miamiga File software

13. VIP professional

14. GIZ Mos 1.2

15. Log is tix

16. with Calendar

17. VIP Professional

18. NIMBUS record keeping for small business

19. NIMBUS record keeping for small business

20. Amiga Extras 1.3

21. Financial cookbook

22. Maxiplan +

23. Superbase data disk office backup legal bills receipts blue swan, LSS log sheets

24. Gozmos

25. PD software digest

26. Con Law II

27. Biz Orgs I

28. SB Pro Studio data repts 11/10

29. Wp-boot 11/10 studio 500

Container 11 76 disks 5.25 Wordstar master with mail merge

1. Biz account LSS 1984
2. Biz account Bob 1984 backup
3. Boogie Bob Inc Biz 1984
4. 88 1984 acc
5. Bob 1984 acc V5
6. Biz acc Bob 1984 April/Dec.
7. Acc Bob V5 1983 data
8. Acc Bob V5 1983 data & systems backup
9. Accountant ver 5 unlocked 1983 with 88 data
10. Accountant 2 disk 1983 Boogie Bob data backup
11. Biz acc master program 2 disks
12. Biz acc program 2 disks
13. Biz acc program only no date disk 2
14. The accountant "systems disk" Hot miz acc ver 5 master
15. Biz acc 2 disk master
16. The business accountant, a finance data base system by Decision Support Software
17. Accountant V5 system master broker
18. Business accountant V.5 master

19. Applewriter II preboot

20. Versa forum (3) report & (6) report work

21. Versa Forum (2) files & (5) tutorial

22. Versa Forum work disk

23. (a) IAF LSS versa forum August logsheet

24. Versa Forum disk 001 files disk backup 8-LSS Logsheet

25. Versa Forum I design program disk (4)copy/print

26. Versa forum disk 002 logsheet

27. Versa Forum filing disk 8K

28. Applewriter II system master Pal & Print

29. Visadex

30. Dessert mech LSM WAS data MDA

31. F-II CIV pro (a) classes

32. CPM system

33. Applewriter 1/87 G colburn nat. video comm. inc.

34. Titan tech

35. Tax advantages 1) side A 2) side B

36. 1) ASCII express 2) tele porter

37. Dbase II

38. 1) ASCII express 2) tele porter

39. Pro dos

40. Corp tax (A) classes 17

41. F II Corp tax (A) classes

42. F II bad? Corp tax (A) Classes 1-2

43. Criminal Pro

44. Criminal Pro final notes

45. FLL criminal pro (1) classes I (B) Classes II

46. Torts II (A) Classes

47. F II rest writing MCM

48. Rest & write AP II

49. Format II legal writing

50. Constitutional Law classes 1-10

51. IS correspondence

52. Constitutional Law

53. Torts I class 1-5

54. Torts I Class 7-14

55. Torts I Def-Out

56. Property II Classes 1-7

57. Property II classes 8-

58. Property II

59. F II Property I disk 2 class 20-25

60. Format II property class 11-19

61. F II Criminal

62. F II Criminal data

63. Criminal

64. Contracts II classes 1-7

65. Contracts II classes 8-

66. Contracts II Applewriter

67. Contracts II Format II

68. Contracts

69. Contracts I Format II data (3)

70. Contracts I Format II date (4)

71. Format II

72. WAP 10 math & Science

73. Finances I

74. Multiplan Bob monthly case

75. Multiplan Data

76. Ent aqeuels PFS

Container 12 4 disk 3.5' plus 3X"5" cards

Disks

1. Excellence

2. On line

3. Maruader II

4. Hacker for Kelly

Cards:

1. Advocacy-Civ Pro ADV ICP, Misc Civ Action, Drain Appeals, Giffith letter 10/28/86, Ad brief 1-4 Claim of appeal, cover sheet, Notice/pos
2. TNT- Giddings, Giddings, TNT-Wood, Drain Case
3. Law office mgt, Drain Case, Drain affidavits, MRT Class I, evidence, law office mart, Koeneg
4. Prof Pisp, Nat on this tape

Container 13 3.5' 5 disks

1. Grenon
2. One on one
3. Artic fox
4. Chess master
5. chess mate

Container 14 3.5" 12 disks small brown box

1. Library
2. WP 4/15/88

3. Games Missile command asteroids

4. Tunnel vision

5. Excellence W8

6. Print

7. Speller Bee

8. Master type

9. Oasis

10. Speller/thesaurus

11. Draw Plus 8-24-89 Drawer backup

12. Adrum

Gary Drown 1/9/91

APPENDIX P

APPENDIX P

Pertinent portions from Notes from Team Meeting Minutes.

Emergency Command Board Mtg.

Result: Lt. Rapp to conduct preliminary invest. Report back to command board on Mon. Aug. 6. Investigative Team (to be named) to follow up @ possible criminal investigation.

4:30 p.m. Interview @ Lt. Rapp/copy of first mention of missing pictures sometime after Paul's Dep. on 6/19. He advised Atty. Fox had questioned him. I discounted the questioning as having no factual basis.

7/11/90. Team Mtg. on 7/11. Paul asked for pictures back. No questions asked. Team member told by me that removal of such items during search warrants could result in termination from Metro.

APPENDIX Q

APPENDIX Q

Whitford's Note

Team Meeting Minutes

July 11, 1990

From Lt. Whitford:

When executing a search warrant, do not take anything out of the residence we shouldn't take. Whatever you take, put on the return. It could cost us a case. (Please return pictures in question to my desk drawer if it concerns you, no questions asked).

*Charlie interjected that actions of this kind could shorten a person's career here at Metro.

APPENDIX R

APPENDIX R

The following is an excerpt from the Supplemental Report prepared by Capt. Rapp (R.61 of the District Court Record):

INTERVIEW: Mr. Tom Warren
Assistant Prosecuting Attorney

LOCATION: 303 W. Kalamazoo

DATE/TIME:

APA Warren was the on-call Prosecutor during the week of January 19-26, 1990. On January 25, 1990, APA Warren was at the Metro Office issuing a search warrant. After the warrant was issued, APA Warren went into the office area where the investigators have their desks. APA Warren was asked by an unknown officer if he wanted to see a picture of Kelly Boyle with a dildo up her ass. The Officer took APA Warren over to the first desk west of the west door on the north wall (Officer Les Diebolt's desk). The officer looked through the desk but could not find the picture.

This information was not pertinent to APA Warren until Prosecutor Donald Martin

mentioned the Metro investigation to him within the last two weeks.

Lieutenant McCord supplied the attached list of Officers who worked on the warrant January 25, 1990.

* * *

The following is an excerpt from the Supplemental Police Report, R. 61 of the District Court Record, p. 91:

INTERVIEW: John Cipriani
Assistant Prosecuting Attorney

LOCATION: Criminal Intelligence Unit Office

DATE/TIME: August 16, 1990, 1050 Hours

APA Cipriani was the on call Prosecutor on January 18, 1990. APA Cipriani went to the Metro Office to write a search warrant on this date. While working on the search warrant, an unremembered officer brought APA Cipriani two slides. One slide was a female bent over at the waist and she had a dildo inserted in her anus. The second slide showed a vagina with some type of rings attached. When shown the slides APA Cipriani was sitting at Deputy Fred

Sandburg's desk located in the northeast corner of the main office. APA Cipriani thought Deputy Sandburg and Deputy Larry Harrison were sitting with him while he wrote the warrant.

After completing the warrant, APA Cipriani went to the west end of the office. APA Cipriani estimates six to eight officers were in this area passing around slides holding them up to the light. The slides were being taken from a box sitting out on a desk. The size of the box was estimated to be similar to a shoe box. APA Cipriani had the impression that the slides were evidence relating to a case. When APA Cipriani asked who the slides were, the officers would not tell him. APA Cipriani could not specifically remember the identity of the officers.

APPENDIX S

APPENDIX S

The following is an excerpt from the Supplemental Police Report, contained in R. 78 of the District Court record:

ADDITIONAL INFORMATION

During the week of September 23, 1990, I received a telephone call from Lieutenant Charles McCord. Lieutenant McCord advised ne that Lieutenant Jimmy Patrick had received a call from a confidential source. The source was concerned that Metro Supervisors were in trouble over the pornographic pictures removed from Robert Baldori's house. The source advised Lieutenant Patrick that he was in his front yard sometime in March or April of this year when Officer Les Diebolt stopped to talk to him. The source and Officer Diebolt had worked in Metro together. The source left Metro in August of 1989. While the Officers were talking, Officer Diebolt went to his vehicle and retrieved some pornographic slides. Officer Diebolt showed the slides to

the source. Officer Diebolt advised the source that the pornographic slides had come from Bob Baldori's house.

After receiving this information from Lieutenant McCord, I asked the Lieutenant if he would get back with Lieutenant Patrick. The purpose of this request was to determine if Lieutenant Patrick could re-interview the source and if the source would talk to me in reference to the Baldori case.

On October 11, 1990, Lieutenant Charles McCord contacted the undersigned by telephone and advised that Deputy Tim Doer would speak directly to the undersigned officer in reference to the incident listed above.

* * *

On November 5, 1990, I was able to meet with Deputy Tim Doerr from the Ingham County Sheriff's Department. At this time Deputy Doerr told the undersigned that he was in his front yard sometime in February, March or April of 1990. Officer Les Diebolt, driving

his assigned Metro vehicle, stopped by Deputy Doerr's house. After some small talk, Officer Diebolt went to his car and retrieved from either the trunk or the rear seat, a box of slides. Deputy Doerr remembered approximately twenty-five slides in total were given to him to look at. Officer Diebolt stated that the slides were from Baldori'S house. Deputy Doerr recalled the pornographic slides were of a white female with blond hair. He recalled poses of the female bent over with a dildo inserted into her rectum and some type of chains around her waist. Officer Diebolt did not tell Deputy Doerr why he had the pornographic slides nor did he say why or how they were removed from the Baldori house.

* * *

At approximately 1400 hours on November 27, 1990, the undersigned and Chief Assistant Kim Eddie met with Deputy Doerr at the Delhi Township Police Department. AT this time, Deputy Doerr reviewed his statement that he

had made to the undersigned on November 5, 1990. Deputy Doerr stated that in February, March or April of 1990, while out in the front yard of his residence, Officer Diebolt stopped by his house. Diebolt was driving his assigned Metro car, a blue Oldmobile [sic]. After a small conversation, Officer Diebolt went to either the trunk of the back seat of his assigned Metro vehicle and returned with what Deputy Doerr described as a small white box of slides: To the best of Deputy Doerr's recollection, he believed that Officer Diebolt advised him that the slides had come from the Baldori residence. Deputy Doerr did not recall any statements as to why Officer Diebolt had them in his possession. Again, Deputy Doerr was asked to describe the slides that he was shown. Deputy Doerr stated he believed there was a small white box, approximately 25 slides, his best recollection was that they were of a blond white female with a dildo inserted up her rectum with

chains around her waist. After describing the slides, the undersigned produced the slides that were retrieved from the Tri-County Metro Office and showed them to Deputy Doerr to see if he could recognize any of those slides as being the same that he had seen on the date in question. Deputy Doerr separated four of the slides from the box of slides provided him and believed that he recalled seeing those same slides shown to him by officer Diebolt.

APPENDIX T

APPENDIX T

The following are pertinent sections of the "Policy Governing Reverse Drug Transactions", R. 93, Ex. 7 of the District Court record:

"STATE OF MICHIGAN

DEPARTMENT OF STATE POLICE

Date: December 17, 1986

TO: Criminal Investigation Section Personnel

FROM: Major Lewis G. Smith, Commanding Officer, Investigative Services Division

SUBJECT: Policy Governing "Reverse Drug Transactions"

* * *

II. DEFINITION

A "Reverse Drug Transaction" is defined as the offering for sale of a controlled substance by an undercover police officer in the performance of his/her duty for the purpose of furthering a criminal investigation.

* * *

" 5. During the course of the actual reverse drug transaction, the drugs

presented for sale shall under no circumstances leave the immediate control of the undercover officer(s); ..."

* * *

"7. The reverse drug transaction shall be concluded and the defendant(s) arrested as soon as all of the elements of the anticipated criminal charge have been satisfied."

"B. This policy does not preclude departmental work units from joint reverse drug transactions with other legitimate investigative agencies. However, in such cases, the following additional controls shall be applied:

1. The undercover officer acting as the drug seller shall be a departmental work unit member.
2. All involved personnel (including those officers from other

investigative agencies) must be apprised of this policy and agree to comply with it."

APPENDIX U

APPENDIX U

The following are pertinent sections of the "Guidelines for Operation of the Tri-County Metro Narcotic Squad", R. 93, Ex. 8 of the District Court Record:

GUIDELINES FOR OPERATION

OF THE

TRI-COUNTY METRO NARCOTIC SQUAD

* * *

2. The control officer will then attempt to verify all of the information obtained from the confidential informant.

* * *

10. Uniform Officers: Each time a raid is conducted, uniform officers in whose jurisdiction the raid is being conducted should be assigned to the raid.

APPENDIX V

APPENDIX V

Pertinent portions of SWORN STATEMENT of JAMES R. JOSEPH, taken in Grand Rapids, Michigan on Sunday, October 21, 1990.

JAMES R. JOSEPH,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. SHAFER:

"Q. Please state your full name.

A. James R. Joseph."

* * *

"Q. Did you have a meeting with Dennis Langkos at some time after the meeting with Paul Whitford?

A. Yes.

Q. Okay, and at that meeting did the subject photographs come up?

A. I had a few meetings with him. At one of the meetings the subject of the photographs came up.

Q. When did that meeting take place?

A. A month or -- a month or two after.
Q. After what?

A. After the raid, or whatever you want to call it.

Q. Okay. After the search warrant was executed?

A. yeah.

Q. Where did that meeting take place?

A. At the FBI office."

* * *

QQ. Who was present at your meeting?

A. Just Denny Langkos and myself.

Q. Did Dennis Langkos show you any photographs?

A. Yes.

Q. And what did he show you?

A. A photograph of Kelly Boyle."

* * *

"Q. Okay. Could you describe the photograph that was shown to you?

A. It was a head shot from the neck up.

Q. Did you see anything, any clothing, or any devices, in the photograph?

A. Yeah.

Q. What did you see?

A. A choke collar."

* * *

"Q. Did you see where he obtained that photograph? In other words, did you see any other photographs?

A. I didn't see any other -- he had some other photographs, but I didn't see them.

Q. Okay. You mean you didn't see what was in the photographs?

A. No, I didn't.

Q. Did you see a stack of what appeared to be photographs?

A. Yeah.

Q. How big of a stack?

A. Oh, you know, about an inch, maybe a half inch. You know, just a stack, like a stack of playing cards, like a hand."

* * *

"Q. Did he tell you why he wasn't showing you those photographs?

A. I can't really recall. I'm trying to think. I think they were more explicit, and -- I think they were more explicit and he didn't want to show them to me.

Q. When you say more explicit, what do you mean?

A. More than just a head shot.

Q. You mean naked photographs?

A. I would assume that would be the case.

Q. Why do you assume that?

A. Because of the one shot that he showed me, and he described some of the things in these photographs to me.

Q. Okay, and what did he describe?

A. Well, it was a couple of different occasions that he described these things to me. You know, one was at that office, and once on the telephone, a conversation, as I recall, shortly after the incident, and he was describing some kinky photographs to me."

* * *

"Q. Okay, and could you give a brief description of what Langkos, of how he described the photos to you?

A. Well, he described in detail certain sexually explicit photos.

Q. Of whom?
A. Of Kelly Boyle."

* * *

"Q. From your conversation with Langkos, did it appear to you that the half inch to an inch stack of photos were all photos of Kelly Boyle?

A. I believe they were. He indicated that, I think he indicated that they were.

Q. Okay, and what makes you think he indicated that?

A. Because I -- as I recall, he mentioned that there were more here, but that he couldn't show me all these because they were, you know, he said he couldn't show me those.

Q. Because why?

A. Because they were, you know, I don't think he wanted me to see them, or he mentioned that he -- I can't recall if he

mentioned that he didn't want me to see then, or if he just indicated to me that they were something that I shouldn't be seeing.

Q. Because they were sexually explicit?

A. Right, because they were sexually explicit and that I shouldn't be seeing these."

APPENDIX W

APPENDIX W

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

INGHAM COUNTY PROSECUTING ATTORNEY,

Plaintiff,

v

UNITED STATES CURRENCY AND ONE (1) 1981 FORD FAIRMONT,

Defendant.

CLAIMANT: JOSEPH EMILE SISSLER

File No. 90-65348-CZ

Hon. Peter D. Houk

TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

DONALD E. MARTIN (P17138)
Ingham County Prosecuting Attorney
By: Guy L. Sweet (P34298)
Assistant Prosecuting Attorney
Asset Seizure Unit
303 West Kalamazoo Street
Lansing, MI 48933
(517) 483-6108

STUART R. SHAFER (P25599)
REID AND REID
Attorneys for Defendant/Claimant
One Business & Trade Center
200 Washington Square, North
Lansing, Michigan 48933-1384
Telephone: (517) 487-6566

At a session of said Court held in the Circuit Courtrooms in the

County of Ingham, State of Michigan, on the 19th day of Dec., 1990.

PRESENT: HON. PETER D. HOUK, CIRCUIT JUDGE

This matter having come before the Court upon the motion of Claimant Sissler for a temporary restraining order enjoining Lt. Paul Whitford, Detective Steve Early, other members of the Tri-County Metro Narcotics Squad, and F.B.I. Agent Langkos from contacting or communicating with James Joseph, directly or indirectly, and the Court having reviewed the motion and exhibits filed in support, and it appearing to the Court that unless a temporary restraining order issues that the ongoing criminal investigation being conducted by the Lansing Police Department Captain James Rapp under the direction of the Ingham County Prosecuting Attorney will be irreparably harmed or obstructed in that James Joseph may be a material witness with personal knowledge and information concerning the allegations presently under investigation and that any

pressure, threats, intimidation, or harassment of him may compromise the investigation and, thereby, not only obstruct justice, but cause harm to Claimant Sissler's ability to demonstrate flagrancy at the February 1, 1990 suppression hearing.

NOW THEREFORE, IT IS HEREBY ORDERED that, pending a hearing on Claimant Sissler's Motion for a Preliminary Injunction and until further order of this Court, Lt. Whitford, Detective Early, and the other members of the Tri-County Metro Narcotics Squad, and F.B.I. Agent Langkos, and their agents and others who act in concert with them, who receive actual notice of this Order be and hereby are restrained and enjoined from having any contact or communications with James Joseph regarding the search of Robert Baldori's home on 1-16-90 and the seizure of any property therefrom directly or indirectly.

IT IS FURTHER ORDERED that Claimant Sissler's Motion for a Preliminary Injunction

will be heard by this Court on January 3, 1991 at 9:30 a.m.

IT IS FURTHER ORDERED that Detective Steve Early and Lt. Paul Whitford shall make themselves available for a deposition on the subject matter of Claimant's motion prior to the hearing for a preliminary injunction.

This temporary restraining order issued on 19th day of December, 1990 at 9:45 a.m. o'clock.

PETER D. HOUK
CIRCUIT JUDGE

Countersigned:
Mary Jo Graham
Deputy Court Clerk

APPENDIX X

APPENDIX X

The following is pertinent testimony of Steven Luciano, from deposition of January 4, 1991, located in R. 69 of the District Court record:

"Q. All right. You have indicated that -- it is your position that, if I ask you any questions concerning the photographs and/or slides that were taken from the Baldori premises, you will not answer those questions?

A. In regard to the pictures or slides that were taken, that is correct I'm not going to answer any questions in regard to those.

Q. And by what authority are you not going to answer those questions?

A. By me indicating that I believe I have a Fifth Amendment right not to say anything that might incriminate me, unless -- I would be glad to answer those questions if you can give me, in writing, from the Attorney General's Office, immunity from any prosecution on anything I might say, then I would be glad to answer them.

Q. Okay. Just so the record is clear, as I understand it, you're exercising your rights under the United States and Michigan Constitutions, to not answer questions concerning the issue of the photographs and slides that were taken from the Baldori premises, because you believe that the answer you give may tend to incriminate you?

A. Right.

Q. My next line of questioning is not meant to harass you, but merely just to test the fact that you tend to plead that, so please

feel free to refuse to answer these questions.

Do you know who took the photographs and slides from the Baldori premises?

A. I'm not going to answer that.

Q. Do you have any information concerning the photographs and slides taken from the Baldori premises?

A. I'm not going to answer that.

Q. Okay. Is it your intent, then, if I ask you any further questions concerning the photographs or slides issue, that you will not answer those questions?

A. That's correct.

Q. Okay. And that's regardless of whether the time frame is actually on premises, during the search warrant or after the execution of the search warrant?

A. That's correct."

* * *

The following is pertinent testimony of

Christopher Magnus, located in R. 69 of the

District Court Record:

"Q. When you were at the search warrant, on January 16 of 1990, did you see any photos or slides depicting Kelly Boyle naked?

A. I have been advised that I'm a suspect in a criminal case involving photographs and slides from there. And I think it would be unwise for me to answer any questions regarding --

Q. Are you refusing to answer, based on your Fifth Amendment right?

A. Yes.

Q. Is it your position that any questions I ask concerning photographs and/or slides, you will refuse to answer, based on your Constitutional right not to incriminate yourself?

A. Yes, due to the fact that there is an ongoing criminal investigation in which I have been advised that I am a suspect.

Q. My next series of questions are not meant to harass you, just to make sure of your position, so feel free to tell me that you refuse to answer.

Do you know who took the photos and slides?

A. I refer to my previous response.

Q. Did you take the photos or slides from the Baldori house?

A. I refer to my previous response.

Q. Okay. When you say you refer to your previous response, you're exercising your rights under the U.S. and Michigan Constitution, to refuse to answer?

A. Correct."

APPENDIX Y

APPENDIX Y

Pertinent portions of the criminal Complaint filed against Officer Daniel Zolnai read as follows:

THE PEOPLE OF THE STATE OF MICHIGAN	v	ZOLNAI, DANIEL 364 EAST ROAD DIAMONDALE, MI 48821

Victim or complainant: (CV) RAPP CAP JAMES

Complaining Witness: (CV) RAPP CAP JAMES

Date: On or About: 1/16/90 - 7/12/90

City of Lansing

INGHAM COUNTY

Charge: 01 NEGLECT DUTY

STATE OF MICHIGAN, COUNTY OF INGHAM

The complaining witness says that on the date and at the location described, the defendant, contrary to law,

OFFENSE LOCATION: CITY OF LANSING

COUNT I

ID [Zolnai] being a person holding a public trust or employment, willfully neglect to perform a duty of duties required by law; specifically: the defendant [sic] was required by either state law or federal loaw [sic] or

both, to properly execute a search warrant at 2719 E. Mt. Hope, Meridian Townshipm [sic] on 1/16/90; and that the defendant wilfully exceeded the authority granted by the search warrant by removing property that came from persons residing at 2719 E. Mt. Hope, Meridian Township, that was not named in the search warrant, was not evidence of crime and was not contraband and/or that defendant failed and/or refused to properly safeguard or account for property he knew came from, or was removed from 2719 E. Mt. Hope, Meridian Township, following execution of the search warrant that belonged to another; Contrary to MCLA 740.478; MSA 28.746 (750.478).

Misdemeanor: 1 Year and/or $500.00.

* * *

Pertinent portions of the criminal Complaint filed against Officer Les Diebolt read as follows:

THE PEOPLE OF v DIEBOLT, LESLIE R.

THE STATE OF 408 KINGMAN

MICHIGAN MASON, MI 48854

Complaining Witness: (CV) RAPP CAP JAMES

Date: On or About: 1/16/90 - 02/04/91

City of Lansing

INGHAM COUNTY

Charge: 01 NEGLECT DUTY

STATE OF MICHIGAN, COUNTY OF INGHAM

The complaining witness says that on the date and at the location described, the defendant, contrary to law,

OFFENSE LOCATION: CITY OF LANSING

COUNT I

ID [Diebolt] being a person holding a public trust or employment, willfully neglect to perform a duty of duties required by law; specifically: the defenant [sic] was required by either state law or federal loaw [sic] or both, to properly execute a search warrant at 2719 E. Mt. Hope, Meridian Township [sic] on 1/16/90; and that the defendant wilfully exceeded the authority granted by the search warrant by removing property that came from

persons residing at 2719 E. Mt. Hope, Meridian Township, that was not named in the search warrant, was not evidence of crime and was not contraband and/or that defendant failed and/or refused to properly safeguard or account for property he knew came from, or was removed from 2719 E. Mt. Hope, Meridian Township, following execution of the search warrant that belonged to another; Contrary to MCLA 740.478; MSA 28.746 (750.478).

Misdemeanor: 1 Year and/or $500.00.

APPENDIX Z

APPENDIX Z

The following are relevant portions of MCL

764.1(1)

"764.1 Process; power to issue, allowance of writ by prosecutor

Sec. 1.(1) For the apprehension of persons charged with a felony, misdemeanor, or ordinance violation a magistrate may issue processes to implement this chapter, except that a magistrate shall not issue warrants for other than minor offenses until an order in writing allowing the issuance of the warrant is filed with the magistrate and signed by the prosecuting attorney [emphasis added], or unless security for costs is filed with the magistrate."

MCL 764.1a(1):

"A magistrate shall issue a warrant upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the person accused in the complaint committed that offense. [Emphasis added]. The complaint shall be sworn to before a magistrate or clerk."